



Agenda Date: 10/25/01
Agenda Item: IIIA

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF COMCAST CABLEVISION)
OF THE MEADOWLANDS, INC.; COMCAST)
CABLEVISION OF MONMOUTH COUNTY, INC.;)
COMCAST CABLEVISION OF OCEAN COUNTY,)
INC.; COMCAST CABLEVISION OF CENTRAL)
NEW JERSEY, INC.; COMCAST OF NEW)
JERSEY, INC.; COMCAST CABLEVISION)
OF JERSEY CITY, INC. AND COMCAST)
CABLEVISION OF THE PLAINFIELDS, INC.,)
REQUEST FOR WAIVER, NUNC PRO TUNC,)
OF THIRTY-DAY NOTICE PERIOD)

DECISION AND ORDER

DOCKET NO. CO01070458

(SERVICE LIST ATTACHED)

BY THE BOARD:

On July 26, 2001, Comcast Cablevision of the Meadowlands, Inc.; Comcast Cablevision of Monmouth County, Inc.; Comcast Cablevision of Ocean County, Inc.; Comcast Cablevision of Central New Jersey, Inc.; Comcast Cablevision of New Jersey, Inc.; Comcast Cablevision of Jersey City, Inc. and Comcast Cablevision of the Plainfields, Inc. (collectively, "Petitioners"), with offices located at 171 River Road, North Arlington, NJ 07031, 403 South Street, Eatontown, NJ 07724, 751 Brick Boulevard, Brick, NJ 08723, 90 Lake Drive, East Windsor, NJ 08520, 800 Rahway Avenue, Union, NJ 07083, 2121 Kennedy Boulevard, Jersey City, NJ 07305 and 73 Rock Avenue, Plainfield, NJ 07063, respectively, filed a letter, in lieu of Petition, pursuant to N.J.A.C. 14:18-3.17(c)(3), with the Board, requesting a waiver of the time requirements for providing notice of an alteration in channel allocation, stemming from a deletion of programming.

Specifically, the Petitioners notified the Office of Cable Television ("OCTV"), by letter dated July 19, 2001, that Across Media Networks, LLC ("AMN"), a programmer of turnkey photo-classified advertising channels, would no longer provide its programming known as the "Comcast Community Television Channel" ("CCTV"), effective July 31, 2001. This verbal notification to the Petitioners was followed by AMN's formal written notification to Petitioners on July 25, 2001.

Due to the short notice provided by AMN, the Petitioners' systems were unable to provide subscribers and municipalities with proper notice at least thirty (30) days in advance pursuant to N.J.A.C. 14:18-3.17(c)(3).

The above referenced Comcast systems serve approximately 483,071 subscribers in Warren, Hunterdon, Morris, Essex, Hudson, Middlesex, Union, Gloucester, Hudson, Mercer and Monmouth Counties, New Jersey.

N.J.A.C. 14:18-3.17(c)(3) allows for relaxation of the thirty (30) day notice requirement due to sudden changes by the programming service.

Municipal officials were notified of the change by way of facsimile on July 24, 2001. Subscribers were notified of the change by way of on screen messages that ran from July 24, 2001 through August 15, 2001.

On October 23, 2001, the Ratepayer Advocate ("RPA") filed comments in this matter. RPA indicated that it did not object to Board approval, nunc pro tunc, of Petitioners' request for waiver of the thirty (30) day notice requirement.

Having reviewed this matter, the Board FINDS that a waiver of the thirty (30) day notice requirement of N.J.A.C. 14:18-3.17(c)(3) is appropriate. Therefore, pursuant to N.J.A.C. 14:18-3.17(c)(3), the Board HEREBY APPROVES, nunc pro tunc, Petitioners' request for waiver of the notice requirements described above.

DATED: October 25, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
SECRETARY

**IN THE MATTER OF
COMCAST CABLEVISION OF THE MEADOWLANDS, INC.; COMCAST
CABLEVISION OF NEW JERSEY, INC.; COMCAST CABLEVISION OF JERSEY
CITY, INC.; COMCAST CABLEVISION OF OCEAN COUNTY, INC.; COMCAST
CABLEVISION OF CENTRAL NEW JERSEY, INC. AND COMCAST CABLEVISION
OF THE PLAINFIELDS, INC., REQUEST FOR WAIVER, NUNC PRO TUNC, OF
THIRTY DAY NOTICE PERIOD**

DOCKET NO. CO01070458

Dennis C. Linken, Esq.
Stryker, Tams & Dill, LLP
Two Penn Plaza East
Newark, NJ 07102

Celeste M. Fasone, Director
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Charles A. Russell, Esq., Deputy Director
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Joseph Haldusiewicz, Esq.
Deputy Attorney General
State of New Jersey
Division of Law
124 Halsey Street
Newark, NJ 07102

Richard Daul, Chief
Bureau of Accounts
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

William H. Furlong, Chief
Bureau of Inspection & Enforcement
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Dr. Fred S. Grygiel
Chief Economist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Carol Entenza-Artale, Esq.
Legal Specialist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Blossom Peretz, Esq.
Division of Rate Payer Advocate
31 Clinton Street
Newark, NJ 07102

Steven Rastatter
Telecommunications Systems Analyst
Office of Cable Television
Board of Public Utilities
2 Gateway Center
Newark, NJ 07102